

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- x
RODERICK MCCLAIN,

Petitioner,

- against -

SUPERINTENDENT THEODORE
INSERRA,

Respondent.
----- x

DEARIE, District Judge

Petitioner Roderick McClain was convicted in New York state court of second-degree assault and resisting arrest. McClain seeks a writ of habeas corpus under 28 U.S.C. § 2254 on the grounds that he was denied effective assistance of counsel and because, he alleges, the prosecutor did not preserve potentially exculpatory surveillance videotapes. This Court referred the petition to Magistrate Judge Orenstein for Report and Recommendation. On September 6, 2012, Magistrate Judge Orenstein recommended that the Court deny McClain's petition. Petitioner filed objections on September 27, 2012.

Having reviewed the record and petitioner's objections, I adopt the thorough Report and Recommendation and dismiss the petition.

SO ORDERED.

Dated: Brooklyn, New York
May 30, 2013

/s/ Judge Raymond J. Dearie

RAYMOND J. DEARIE
United States District Judge